

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID DISTEFANO	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 12-6745
MACY'S RETAIL HOLDINGS, INC.	:	

ORDER

AND NOW, this 31st day of March, 2014, after consideration of defendant's Motion for Summary Judgment (paper no. 35), plaintiff's Response in Opposition (papers no. 36 and 37), defendant's Supplemental Motion for Summary Judgment (paper no. 44), defendant's Supplemental Authority in Further Support of Motion for Summary Judgment (paper no. 47), and plaintiff's Response in Opposition to the Supplemental Motion (paper no. 48), and for the reasons stated in the attached memorandum of today's date, it is **ORDERED** that:

1. Defendant's Motion for Summary Judgment (paper no. 35) is **GRANTED**.
2. Plaintiff's Motion in Limine to Preclude Testimony (paper no. 39) is **DENIED AS MOOT**.

/s/ Norma L. Shapiro

J.